



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

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NOAA Seeking Public Comment on Proposed Rule Changes to the Gulf of Mexico Reef Fish Fishery Including an Individual Fishing Quota (IFQ) Program

NOAA Fisheries Service is seeking public comment on a proposed rule for the Gulf of Mexico reef fish fishery. The proposed rule published in the *Federal Register* on April 30, 2009 (74 FR 20134). The public comment period ends on **June 15, 2009**.

Under the current management structure, the commercial grouper and tilefish fisheries are expected to continue to have higher than necessary levels of capital investment, increased operating costs, increased likelihood of shortened seasons, reduced safety at-sea, wide fluctuations in supply, and depressed ex-vessel prices. Amendment 29 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico and its associated rule making were developed to rationalize effort and reduce overcapacity in the commercial grouper and tilefish fisheries to achieve and maintain optimum yield.

The proposed rule would:

- Establish an IFQ program for groupers and tilefishes in the Gulf of Mexico exclusive economic zone.
- Establish design elements of the IFQ program.
- Allow consolidation of multiple reef fish commercial vessel permits.
- Establish dual classifications to the shallow water and deepwater management units for speckled hind and warsaw grouper.
- Make changes to the red snapper IFQ program to align that program with the grouper and tilefish IFQ program.

Design Elements of the IFQ program:

- Restrict initial IFQ share distribution to

commercial reef fish permit holders.

- Distribute shares proportionately among eligible participants based on landings during 1999-2004, but provide an allowance for dropping one year.
- Set species-specific share types, establishing red grouper, gag, other shallow water grouper, deepwater grouper, and tilefish shares.
- Convert four percent of red grouper allocation and eight percent of gag grouper allocation into multiuse allocation valid for harvesting red or gag grouper, with restrictions.
- Restrict transfer of shares and allocation to commercial reef fish permit holders during the first five years, but not thereafter.
- Set separate share caps for each type of IFQ share equal to the maximum share initially assigned to an IFQ participant.
- Set a cap on total annual allocation equivalent to the share caps.
- Use a proportional adjustment strategy for distributing commercial quota adjustments and reallocation among IFQ shareholders.
- Require the Regional Administrator to establish a formal appeals process and reserve three percent of the total available IFQ shares during the first year of the program for use in resolving disputes.
- Make IFQ share or allocation holders responsible for cost recovery fees and IFQ dealers responsible for fee collection and submission on a quarterly basis.
- Allow fishermen to select landing sites for IFQ programs, but require approval by NOAA Fisheries Service Office of Law Enforcement.

Other information on the implementation and functioning of the IFQ program is also discussed in the amendment. The administrative functions associated with this program (e.g., registration and account setup, landing transactions, and transfers are designed to be accomplished online); therefore, a participant must have access to a computer and Internet access to participate.

Request for Comments

You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments. To submit comments enter "NOAA-NMFS-2008-0223" in the keyword search and then check the box "send a comment or submission." Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.
- Mail: Susan Gerhart, Southeast Regional Office, NOAA Fisheries Service, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.

- Amendment 29 can be found at <http://sero.nmfs.noaa.gov>. The proposed rule is also available via the Internet at <http://www.gpoaccess.gov/fr/index.html>. Printed or electronic copies of the rule and Amendment 29 can be obtained from the Southeast Regional Office by contacting Susan Gerhart (see address above).

Comments must be received by June 15, 2009, to be considered by NOAA Fisheries Service in its decision on the final rule. All comments received by NOAA Fisheries Service specific to the proposed rule will be addressed in the final rule.

How can we improve these fishery bulletins?

If you have any suggestions on how we may improve future fishery bulletins, please contact: Kim Amendola, Communication Specialist
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If you would like to receive these fishery bulletins via e-mail as soon as they are published, e-mail us at: SERO.Communications.Comments@noaa.gov. You will still receive a hard copy of these bulletins through the mail.

This bulletin provides only a summary of the information regarding the existing regulations. Any discrepancies between this bulletin and the regulations as published in the *Federal Register* will be resolved in favor of the *Federal Register*.